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ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:06 CR 20024-001
VS. : JUDGE MINALDI
CEDRIC DESMOND McCAIN : MAGISTRATE JUDGE KAY
Date of Previous Judgment: September 1, 2006 USM No: 13077-035

ORDER


Upon the motion of the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. §994(u), and having considered such motion,

IT IS ORDERED that the motion is DENIED.

The defendant in this case was previously sentenced to the mandatory minimum.

IT IS ORDERED that the parties have ten (10) days from the date of this Order to file any objections which will be considered as contemporaneous objections for the record. In the absence of any objections, this Order will be considered final in ten (10) days from the date of this Order.

Lake Charles, Louisiana, this 3rd day of March, 2008.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE

cc: LC-USM
LC-USP
PPD
walker

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

for the

W District of LARECEIVED
IN LAKE CHARLES, LA

MAR - 5 2008

PAM
ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

United States of America)

v.)

Cedric Desmond McCain)Case No: 2:06CR20024-001USM No: 13077-035Date of Previous Judgment: Am. 7/31/06 9/1/06)USD

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.


☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):Sentenced to mandatory minimum

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 3/3/08Effective Date: 3/3/08
(if different from order date)

Judge's signature

Patricia Minaldi
Printed name and title

CC: LC-USM
LC-USP
FPO
walker